

# Michael Faillace & Associates, P.C.

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January 22, 2021

**BY ECF**

Honorable Edgardo Ramos  
United States District Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

Re: **Ortiz Ochoa v. Prince Deli Grocery Corp. et al.**  
**Case No. 18-cv-9417**

Dear Judge Ramos:

This office represents Plaintiff in the above referenced matter. We write pursuant to the Court's order of January 19, 2021 and in response to Defendants' letter dated January 14, 2021.

This firm does not oppose the extension of fact discovery.

This firm does not oppose this firm being required to show cause why sanctions should not be imposed because, as we will demonstrate in our filing, there is no basis to do so.

We respectfully request that the Court set a schedule for this firm to submit to the Court a letter motion to withdraw based upon an *in camera* submission. The response of my firm to the Order to Show Cause will create what we believe to be a non-waivable conflict of interest that would require the Firm to withdraw pursuant to Rule 1.16(b)(1) and Rule 1.7(a)(1) of the New York Rules of Professional Conduct which Rules are applicable to lawyers appearing before this Court pursuant to Local Rule 1.5(b)(5). Due to this conflict, we respectfully request that this timetable take into consideration time for the Plaintiff to obtain independent counsel.

Respectfully Submitted,

/s Michael Faillace

Michael Faillace, Esq.  
MICHAEL FAILLACE & ASSOCIATES, P.C.  
*Attorneys for Plaintiff*

Cc: All counsel via ECF